

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF

*

NANCY SNEAD,
Charging Party,

*

PSLRB Case No.
SV 2012-03

*

v.

*

PRINCE GEORGE'S COUNTY
EDUCATORS' ASSOCIATION (PGCEA),
Charged Party

*

*

and

*

PRINCE GEORGE'S COUNTY
PUBLIC SCHOOLS (PGCPS),
Charged Party.

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DECISION AND ORDER DENYING REQUEST FOR RELIEF AND
GRANTING MOTIONS TO DISMISS

I. INTRODUCTION

On November 2, 2011, Nancy Snead filed Form PSLRB-05 – “Charge of Violation of Title 6, Subtitle 4 or Subtitle 5, of the Education Article” – with the Public School Labor Relations Board (“PSLRB”). Form PSLRB -05 reflects the authority granted to the PSLRB by Section 2-205(e)(4)(i) of the Education Article to “decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this Article.”

In the Form PSLRB-05 that she filed, Snead alleges that both an employee organization –the Prince George’s County Educators’ Association (“PGCEA”) – and a public school employer – the Prince George’s County Public Schools (“PGCPS”) -- have violated her statutory rights. ¹

II. ANALYSIS

Section IV of Form PSLRB-05 requires a charging party to indicate by a checkmark the section or sections of Education Article, Subtitle 4 or Subtitle 5, that he or she alleges the charged party has violated. With regard to PGCEA, Snead has checked “Section 6 – 407(b) or 6 – 509(b): Duty of Fair Representation.” In response to the follow-up requirement in Form PSLRB-05, Section V.

STATEMENT OF FACTS that a charging party “[p]rovide a clear and concise statement of facts constituting the alleged statutory violations)”, Snead merely states “Failure of the Union to Represent.” This is the sole reference to PGCEA in Snead’s Statement of Facts.

¹ Form PSLRB-05 advises a charging party that “[i]f you wish to file charges against more than one party, a separate form must be filed for each party,” Snead has not complied with this directive. Because Form PSLRB-05 has not yet been officially adopted (this and other PSLRB Forms are now in the process for the adoption of regulations), the PSLRB will, on a non-precedential basis, ignore this procedural irregularity in her November 2, 2011, filing and accept her Charge.

Both PGCEA and PGCPS have filed Motions to Dismiss Snead's Charge, and in her January 2, 2012, Answer to these Motions, Snead makes the following statement:

I requested to be filed numerous grievances with the Union since 2001 through 2006, which the Union never filed or resolved before my retirement [in 2005].

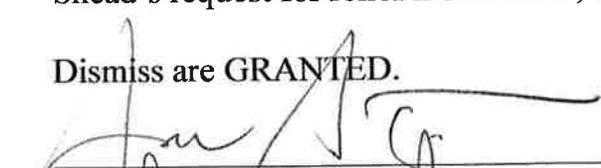
There is no other reference to PGCEA in Snead's submissions to the PSLRB, much less an explanation of how PGCEA allegedly violated its duty of fair representation.

With regard to PGCPS, Snead checked "Other (specify statutory section)" in Section IV of the Form PSLRB-05 that she filed on November 2, 2011. But Snead fails in her Form and her January 3, 2012, Answer, to provide the requested statutory specification. In the Statement of Facts Section of her Form, Snead lists instead a series of complaints about various actions taken by PGCPS involving her salary, health insurance, personal and sick leave, and other terms and conditions of employment. On their face, these complaints appear to relate to alleged violations of the negotiated agreement between PGCEA and PGCPS -- a matter over which the PSLRB does not have jurisdiction -- as opposed to alleged violations of Title 6, Subtitle 4 or Subtitle 5 of the Education Article.

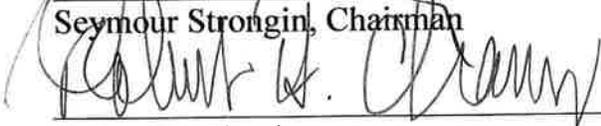
For the reason set forth below, however, it is unnecessary to address the merits of Snead's complaints against PGCEA or PGCPSP in order to dispose of her Charge. Although the arguments made by PGCEA and PGCPSP in their respective Motions to Dismiss Snead's Charge differ somewhat, both Motions rely primarily on the timeliness of the filing of Snead's Charge: Snead complains about actions that were taken during the period from 2000 through 2007, and her Form PSLRB-05 was not filed with the PSLRB until November 2, 2011, more than four years later. PGCEA and PGCPSP assert that by any reasonable standard Snead's Charge is untimely, and for that reason alone should be dismissed. The PSLRB agrees.

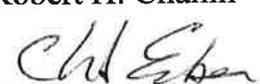
ORDER

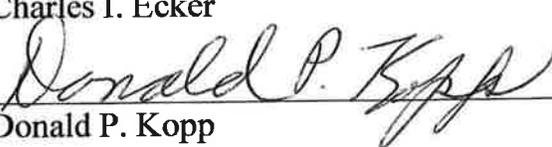
Snead's request for relief is DENIED, and PGCEA's and PGCPSP's Motions to Dismiss are GRANTED.

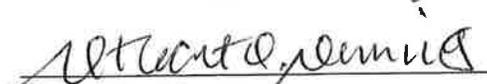


Seymour Strongin, Chairman


_____, Member
Robert H. Chanin


_____, Member
Charles I. Ecker


_____, Member
Donald P. Kopp


_____, Member
Stuart O. Simms

Glen Burnie, MD
February 17, 2012

APPEAL RIGHTS

Any Party aggrieved by this action of the PSLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland (Administrative Procedure Act – Contested Cases) and Maryland Rules, CIR CT Rule 7-201 et seq. (Judicial Review of Administrative Agency Decisions).